

R E M A R K S

By this Amendment the specification has been corrected, claim 12 has been amended to include the feature of claim 13 (now canceled) and otherwise improved, claim 14 has been canceled, claims 16 and 18-22 have been amended to better define the intended subject matter, and new claims 23 and 24 have been added. Entry is requested.

A supplemental page 7 for the application containing an abstract of the disclosure is submitted herewith.

In the Office Action of September 3, 2009 the examiner rejected claims 12-14, 18 and 19 under 35 U.S.C. 102 (b) as being anticipated by Ishikawa, she rejected claim 16 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al., she rejected claim 20 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Miyazaki, and she rejected claims 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Ishikawa et al. in view of Souder.

These rejections must be withdrawn.

Ishikawa et al. disclose a magnetic stimulating apparatus which includes a case 1 in which is located a motor 2 which rotates a magnet holding member 3b containing a magnet member 7b with elongated projections and a magnetic member 8b. The magnetic member 8b rotates with the holding member 3b and is not stationarily attached to the casing 1! Thus, Ishikawa et al. do not anticipate amended claim 12, and nothing in Miyazaki or Souder would teach otherwise.

The examiner's prior art rejections should be withdrawn and the presented claims allowed.

Respectfully submitted,

By:   
DYKEMA GOSSETT PLLC  
Richard H. Tushin  
Registration No. 27,297  
Franklin Square, Third Floor West  
1300 I Street, N.W.  
Washington, DC 20005-3353  
(202) 906-8600